



April 6, 2001

ENGROSSED SENATE BILL No. 474

DIGEST OF SB 474 (Updated April 3, 2001 12:47 PM - DI 87)

Citations Affected: IC 9-14; IC 9-29; IC 9-30.

Synopsis: Motor vehicle electronic records. Provides that an electronic record of the bureau of motor vehicles obtained from the bureau by digital signature that bears an electronic signature is admissible in a court proceeding as if the copy were the original. Specifies that fees imposed to obtain a certified copy of a record or an electronic record from the bureau of motor vehicles apply to law enforcement agencies and to agencies of government. Requires the bureau of motor vehicles to give precedence to requests from law enforcement agencies and agencies of government for certified copies of records. Provides that in a proceeding, prosecution, or hearing where the prosecuting attorney must prove that the defendant had a prior conviction for a motor vehicle offense, the relevant portions of a certified computer printout or electronic copy made from the records of the bureau of motor vehicles are admissible as prima facie evidence of the prior conviction. Repeals provisions concerning certified abstracts of operating records.

Effective: July 1, 2001.

Weatherwax, Kenley, Meeks C

(HOUSE SPONSORS — DVORAK, KUZMAN, FOLEY)

January 22, 2001, read first time and referred to Committee on Rules and Legislative Procedure.

January 29, 2001, amended; reassigned to Committee on Public Policy.

February 27, 2001, reported favorably — Do Pass.

March 5, 2001, read second time, ordered engrossed. Engrossed.

March 7, 2001, read third time, passed. Yeas 47, nays 0.

HOUSE ACTION

March 12, 2001, read first time and referred to Committee on Public Policy, Ethics and Veterans Affairs.

April 5, 2001, amended, reported — Do Pass.

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ES 474—LS 8070/DI 13+



April 6, 2001

First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

ENGROSSED SENATE BILL No. 474

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 9-14-3-0.3 IS ADDED TO THE INDIANA CODE
- 2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 3 1, 2001]: **Sec. 0.3. As used in this chapter, "digital signature" has**
- 4 **the meaning set forth in IC 5-24-2-1.**
- 5 SECTION 2. IC 9-14-3-0.5 IS ADDED TO THE INDIANA CODE
- 6 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 7 1, 2001]: **Sec. 0.5. As used in this chapter, "electronic record" has**
- 8 **the meaning set forth in IC 26-2-8-102(7).**
- 9 SECTION 3. IC 9-14-3-0.8 IS ADDED TO THE INDIANA CODE
- 10 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 11 1, 2001]: **Sec. 0.8. As used in this chapter, "electronic signature"**
- 12 **has the meaning set forth in IC 26-2-8-102(8).**
- 13 SECTION 4. IC 9-14-3-4 IS AMENDED TO READ AS FOLLOWS
- 14 [EFFECTIVE JULY 1, 2001]: Sec. 4. (a) The bureau shall prepare and
- 15 deliver, upon request and payment of the fees prescribed in
- 16 IC 9-29-2-1, a certified copy of any record of the bureau that is not
- 17 otherwise declared by law to be confidential.

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(b) A certified copy of a record obtained under subsection (a) is admissible in a court proceeding as if the copy were the original.

(c) An electronic record of the bureau obtained from the bureau by digital signature that bears an electronic signature is admissible in a court proceeding as if the copy were the original.

SECTION 5. IC 9-14-3-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 7. (a) The bureau shall maintain an operating record for each person licensed by the bureau to drive a motor vehicle.

(b) An operating record must contain the following:

(1) A person's convictions for any of the following:

(A) A moving traffic violation.

(B) Operating a vehicle without financial responsibility in violation of IC 9-25.

(2) Any administrative penalty imposed by the bureau.

(3) If the driving privileges of a person have been suspended or revoked by the bureau, an entry in the record stating that a notice of suspension or revocation was mailed by the bureau and the date of the mailing of the notice.

(4) Any suspensions, revocations, or reinstatements of a person's driving privileges, license, or permit.

(c) An entry in the operating record of a defendant stating that notice of suspension or revocation was mailed by the bureau to the defendant constitutes prima facie evidence that the notice was mailed to the defendant's address as shown in the official driving record.

~~(d) Upon request and payment of a fee prescribed in IC 9-29-2-4, the bureau shall furnish any person a certified abstract of the operating record of a person subject to this chapter. The abstract must fully designate the motor vehicles, if any, registered in the name of the person. If there is no record of any conviction of the person of a violation of any statute relating to the operation of a motor vehicle or of any injury or damage caused by the person as provided in this chapter, the bureau shall so certify. The bureau shall collect for each certificate the amount prescribed in IC 9-29-2-4.~~

~~(e)~~ (d) An operating record maintained under this section:

(1) is not admissible as evidence in any action for damages arising out of a motor vehicle accident; and

(2) may not include voter registration information.

SECTION 6. IC 9-29-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. (a) The fee to obtain:

(1) a certified copy of a record; or

(2) an electronic record;

Copy



1 of the bureau under IC 9-14-3-4 is four dollars (\$4) for each document.
2 This fee is in addition to the uniform copying fee established under
3 IC 5-14-3-8.

4 **(b) The fee imposed by this section does not apply to a law**
5 **enforcement agency and an agency of government.**

6 **(c) The bureau shall give precedence to requests from law**
7 **enforcement agencies and agencies of government for certified**
8 **copies of records.**

9 SECTION 7. IC 9-30-3-15 IS AMENDED TO READ AS
10 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 15. In a proceeding,
11 prosecution, or hearing where the prosecuting attorney must prove that
12 the defendant had a prior conviction for an offense under this title, the
13 relevant portions of a certified computer printout **or electronic copy**
14 **as set forth in IC 9-4-3-4** made from the records of the bureau are
15 admissible as prima facie evidence of the prior conviction. However,
16 the prosecuting attorney must establish that the document identifies the
17 defendant by the defendant's driving license number or by any other
18 identification method utilized by the bureau.

19 SECTION 8. IC 9-29-2-4 IS REPEALED [EFFECTIVE JULY 1,
20 2001].

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COMMITTEE REPORT

Mr. President: The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill No. 474, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Delete everything after the enacting clause and insert the following:

(SEE TEXT OF BILL)

and when so amended that said bill be reassigned to the Senate Committee on Public Policy.

(Reference is to SB 474 as introduced.)

GARTON, Chairperson

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SENATE MOTION

Mr. President: I move that Senators Kenley and Meeks C be added
as coauthors of Senate Bill 474.

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COMMITTEE REPORT

Mr. President: The Senate Committee on Public Policy, to which was referred Senate Bill No. 474, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 474 as printed January 30, 2001.)

WYSS, Chairperson

Committee Vote: Yeas 8, Nays 0.

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ES 474—LS 8070/DI 13+



COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Policy, Ethics and Veterans Affairs, to which was referred Senate Bill 474, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 9, delete "IC 9-14-3-0.5" and insert "IC 9-14-3-0.8".

Page 1, line 11, delete "0.5." and insert "**0.8.**".

and when so amended that said bill do pass.

(Reference is to SB 474 as printed February 28, 2001.)

KUZMAN, Chair

Committee Vote: yeas 12, nays 0.

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